



United States Department of State

Washington, D.C. 20520

October 29, 2019

William Fernandes
MuckRock News
DEPT MR 52235
411A Highland Avenue
Somerville, MA 02144-2516

Dear Mr. Fernandes:

Thank you for your letter dated September 25, 2019, which was received on October 29, 2019, concerning Freedom of Information Act ("FOIA") request number F-2018-02771, in which you note that the Department of State has not yet responded to your FOIA request.

Your FOIA request is not subject to administrative appeal at this time, since no specific material has been denied in response to the request. Section (a)(6)(C) of the FOIA provides that a requester shall be deemed to have exhausted his administrative remedies if an agency fails to respond within the applicable time limit specified in the paragraph, which is twenty days (with certain exceptions). The requester, therefore, would not be required to appeal administratively before instituting suit in federal court. This provision does not, however, provide a basis for an administrative appeal of a request that is still being processed. Moreover, the lack of a substantive response to date is not the same as a response indicating that no documents were found.

I have confirmed that your request is being processed. The Department receives thousands of FOIA and Privacy Act requests each year and yours will be processed in turn. I have sent a copy of your letter to the office that has been assigned responsibility for processing your request. Your continued patience is appreciated. If you need further assistance, you may contact the FOIA Requester Service Center at (202) 261-8484 or FOIAstatus@state.gov.

Sincerely,

Lori Hartmann
Appeals Officer

Office of Information Programs and Services